



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REMARKS TO NOTICE TO FILE MISSING PARTS

The Commissioner of Patents and Trademarks
BOX MISSING PARTS
Washington, DC 20231

Dear Sir:

In addition to submitting the Filing Fee and Missing Declaration, Applicants respectfully submits these remarks:

Figures 1A and 4C are noted in the Notice as being omitted.

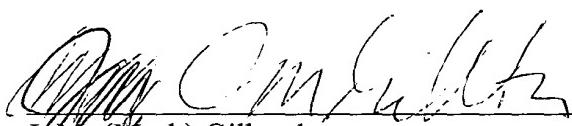
Figure 1A - Yes, it was omitted, but the contents of the Fig. 1A are described in detail in the Specification from Page 48, Line 4 to Page 49, Line 5.

Figure 4C - No, it was not omitted. “Fig. 5C” should actually be labeled “Fig. 4C”.

Prior to the First Office Action, Applicants intend to submit a Preliminary
Amendment to:

- (1) Add the omitted Fig. 1A - this will not be considered new matter because the contents of Fig. 1A are described in the Specification from Page 48, Line 4 to Page 49, Line 5; and
- (2) Change the label "Fig. 5C" to "Fig. 4C".

Date: December 10, 2001



J.M. (Mark) Gilbreth
Reg. No. 33,388

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/940,180	08/27/2001	William W. Zuo	27300/03

CONFIRMATION NO. 3508
FORMALITIES LETTER



OC00000006865736

GILBRETH & ASSOCIATES, P.C.
PO Box 61305
Houston, TX 77208-1305

Date Mailed: 10/09/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- ✓ • The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$772.
 - \$612 for 34 total claims over 20.
 - \$160 for 2 independent claims over 3 .
- ✓ • The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1612.

The following item(s) appear to have been omitted from the application:

- Figure(s) 1A, 4C described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within TWO MONTHS of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition

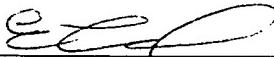
12/20/2001 SC/LEEUW 00000003 071245 09349100

under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

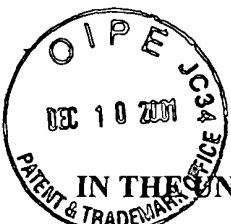


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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12-17-01

~ SECTOR
H 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: William W. Zuo § GROUP ART UNIT: 1614
Jingya Xu §
Tony Dongfang Yu §
David J. Yang §

SERIAL NO.: 09/940,180 §

FILED: 08/27/01 §

FOR: *Anticancer Polypeptide-Metal* §
Complexes and Compositions, Methods of §
Making, and Methods of Using Same §
ATTORNEY DOCKET NO.: 27300/03

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10 BY EXPRESS MAIL

The Assistant Commissioner of Patents
BOX MISSING PARTS
Washington, DC 20231

Dear Sir:

I hereby certify that the following documents, which are attached, are being deposited, under 37 CFR § 1.10, with the United States Postal Service "Express Mail Post Office to Addressee" service as **Express Mail Label No.: EV 041 579 010 US** in an envelope addressed to: The Assistant Commissioner of Patents, Washington, D.C. 20231, on, **December 10, 2001**.

- (1) A Copy of Notice to File Missing Parts;
- (2) Response to Notice to File Missing Parts;
- (3) Declaration;
- (4) Remarks to Notice to File Missing Parts;
- (5) Change of Correspondence Address;
- (6) Check No. 1313 in the amount of \$760.00 for filing fees;
- (7) Postcard.

Respectfully submitted,



J.M. (Mark) Gilbreth, Reg. No. 33,388
Attorney for Applicants

Date: December 10, 2001

CORRESPONDENCE ADDRESS:

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PO Box 2428
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JMARK@GILBRETH.ORG

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.
27300/03

In Re Application Off P William W. Zu , et. al.

DEC. 10 2001

Serial No. Filing Date
09/940,180 08/27/01

Examiner

Group Art Unit
1614

Invention:

Anticancer Polypeptide-metal Complexes and Compositions, Methods of Making, and Methods of Using Same

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on

10/09/01

Date

Enclosed herewith for filing are the following:

- A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- _____ verified small entity declaration(s)
 - is/are attached.
 - was/were filed on _____
- A separate request for refund.
- Other (list):

Remarks to the Notice to File Missing PARTS

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Small Entity)**

Docket No.
27300/03

In Re Application of William W. Zuo, et. al.

Serial No. 09/940,180 Filing Date 08/27/01

Examiner

Group Art Unit
1614

Invention:

Anticancer Polypeptide-metal Complexes and Compositions, Methods of Making, and Methods of Using Same

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Attention: Manager, Application Branch

The fee of \$760.00 is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 07-1245
A duplicate copy of this sheet is enclosed.
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 07-1245
A duplicate copy of this sheet is enclosed.



Signature

J.M. (Mark) Gilbreth, Reg. No. 33,388

Gilbreth & Associates, P.C.
P.O. Box 2428
Bellaire, Texas 77402-2428
(T) 713/667-1200
(F) 713/667-4424

Dated: *12/10/01*

I certify that this document and fee is being deposited on *12/10/01* with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC: